REMARKS

Claim Objection

Claim 37 is objected to as being in improper dependent form.

Claim Rejections

Claims 1-7 and 9-41 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter.

Claims 1, 3-5, 8-9, 11 and 40 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,280,909 (Tracy). Claims 22-39 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,892,938 (Solomon).

Claims 2, 6-7, 10, 12-21 and 41 are rejected under 35 U.S.C. 103(a) as unpatentable over Tracy in view of Solomon.

Specification Amendment

The specification is amended to include a Summary. No new matter is added.

Claim Amendments

Claim 37 is amended to be in proper dependent form.

The independent claims are also amended to patentability distinguish over the cited references.

The Cited Art

Tracy is directed to a gaming system 10 in which a plurality of gaming machines 2-5 are configured to allow players on the gaming machines to play for a progressive jackpot. (Col. 4, lines 5-10). The gaming system includes a controller 11 which links the gaming machines. (Col. 4, lines 35-38). The controller includes a generator 25 which establishes a jackpot win value JP_w for the progressive jackpot. (Col. 4, lines 54-56). A CPU 21 determines whether a progressive jackpot has been won. The particular gaming machine whose unit bet information resulted in the win is assessed the winner of the progressive jackpot. The CPU advises the winning machine, and the payout amount JP_w is manually made by gaming personnel to the player at the winning machine. (Col. 5, lines 30-37).

The system 10 can be modified to stimulate game play during the beginning of each progressive game cycle. Specifically, the CPU 21 is configured such that it enables the JP_w amount established at the beginning of each game cycle to be displayed on gaming machine displays 13A-13D and an overhead display 12. (Col. 5, lines 51-60; Col. 3, lines 25-31).

The controller 11 may also be configured such that the signaling conveyed to a gaming machine which is a winner of the progressive jackpot, not only indicates that the gaming machine has won the jackpot, but also includes payout and control signal information for enabling the gaming machine itself to make the payout. With this modification, each gaming machine is adapted to recognize and respond to the payout and control signal information from the controller and to make the required payout. (Col. 6, lines 62 to Col. 7, line 4).

Solomon is directed to a gaming system 10 which uses sensed biometric characteristics of employees to complete a transaction or a payout, for example, jackpots, cancelled credits, hopper fills, etc, associated with a gaming machine 12. (Col. 3, lines 1-7). A computer 38 is adapted to compare the sensed biometric characteristic with a stored characteristic of an employee and to confirm that the sensed biometric characteristic matches the stored characteristic. In the example of a jackpot, payment is then authorized if a match is confirmed. (Col. 5, lines 1-6).

In another example, a jackpot ticket is printed. An employee takes the ticket to a cashier station 22 for payment. If the amount of the payment is over a predetermined value, then the payment may require additional authorization by another employee, for example, a cashier. (Col. 6, lines 33-38).

Applicant's Claimed Invention Is Directed To Statutory Subject Matter

Statutory subject matter includes "any new and useful process, machine, manufacture or composition of matter, or any new or useful improvement thereof." 35 U.S.C. 101. Claims 1-7 and 9-41 are directed to a useful process. Therefore, they are directed to statutory subject matter.

Applicant's Claimed Invention Is Not Anticipated

Neither Tracy nor Solomon disclose a method for electronically witnessing a jackpot payment by a casino employee without a human witness. Specifically, Tracy does not disclose each and every limitation of amended claims 1, 8, 9 and 40, and Solomon does not disclose each and every limitation of amended claim 22. Thus, these claims are not anticipated.

Claim 1, for instance, calls for a method for authorizing a manual payment of a gaming jackpot. The method includes receiving a jackpot winning signal from a gaming machine at a jackpot server. The jackpot signal includes a jackpot value. The method further includes receiving

a payment user transaction signal at the jackpot server. The transaction signal includes a payment user identifier and a jackpot transaction value. A comparison is made between the jackpot value of the jackpot signal and the jackpot transaction value of the transaction signal. A confirmed jackpot value is generated if the jackpot value of the jackpot signal is equal to the jackpot transaction value of the transaction signal. A transfer of the confirmed jackpot value to a player is then authorized without a requirement for corroborating payment witnessing user, and a record of the authorized transfer is created.

Tracy does not disclose receiving a jackpot winning signal from a gaming machine at a jackpot server wherein the signal includes a jackpot value won by a player. Instead, Tracy discloses that a potential progressive jackpot win amount JP_w may be displayed at the beginning of each progressive game cycle on the gaming machine displays 12A-13D and the overhead display 12. (Col. 3, lines 33-37; Col. 5, lines 51-60).

Also, Tracy does not disclose receiving a payment transaction signal at the jackpot server which includes a payment user identifier and a jackpot transaction value. Rather, Tracy discloses that payout and control signal information may be sent from the controller 11 to a gaming machine. (Col. 6, lines 62-68).

Further, Tracy does not disclose comparing a jackpot value won by a player to a jackpot transaction value of a transaction signal and generating a confirmed jackpot value if they are equal. In Tracy, the jackpot value won by a player is not compared to any other value, much less a jackpot transaction value of a payment user transaction signal. This is borne out by the fact the cited portion of Tracy in the Office Action has absolutely nothing to do with any such comparison. (See, Col. 2, line 68 to Col. 3, line 8, which relates to increasing player interest in playing for the progressive jackpot).

Additionally, Tracy does not disclose creating a jackpot transaction record indicating authorization of a transfer of a jackpot value without a corroborating jackpot payment user, as called for, for instance, by amended claim 9. Instead, Tracy discloses storing the progressive jackpot value JP_w and other jackpot values to determine if a progressive jackpot has been won. (Col. 4, line 61 to Col. 5, line 3; Col. 5, lines 38-42). In Tracy, there is no record created that authorization was given to transfer a jackpot value without a corroborating jackpot payment user.

Further, regarding amended claim 22, Solomon does not disclose generating a jackpot payment transaction request including a jackpot payment user identifier and a jackpot payout request value. Indeed, the cited portion of Solomon in the Office Action simply relates to a description of Figures 3-5. (See, Col. 2, lines 53-67).

Also, Solomon does not disclose verifying at a jackpot server a jackpot payment request value with a jackpot signal value transmitted from a gaming machine. Rather, Solomon discloses comparing biometric characteristics, for example, fingerprints of an employee, with biometric characteristics stored in a database. (Col. 5, lines 1-10).

Additionally, Solomon does not disclose printing a receipt including indicia that a jackpot payment corroborating witness was not required for the transfer of a verified jackpot value. Instead, Solomon discloses that additional authorization may be required if the jackpot amount is greater than a predetermined value. (Col. 6, lines 28-38). In Solomon, no receipt is generated including indicia that indicates that a jackpot payment was made without a corroborating witness.

Applicant's Claimed Invention Would Not Have Been Obvious

Three criteria must be met to establish obviousness. First, the prior art must provide one of ordinary skill in the art with a suggestion or motivation to modify or combine the teachings of the references relied upon in rejecting the claims. Second, the prior art must provide one of ordinary skill in the art with a reasonable expectation of success. Third, the prior art, either alone or in combination, must teach or suggest each and every limitation of the rejected claims. The teaching or suggestion to make the claimed invention, as well as the reasonable expectation of success, must come from the prior art and not from Applicants' disclosure. If any one of these criteria is not met, a case of obviousness is not established. Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

For at least the reasons discussed above, the combination of Tracy and Solomon does not result in Applicant's claimed invention as set out in claims 2, 6-7, 10, 12-21 and 41. Thus, a *prima facie* case of obviousness has not been made out.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P317).

Dated: October 20, 2008

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/William J. Egan, III/

William J. Egan, III
Reg. No. 28,411

P.O. Box 70250
Oakland, CA 94612-0250